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Charles J. Kulas
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111

In re Application of MEDVINSKY et al
U.S. Application No.: 09/890,178
Int. Application No.: PCT/US00/02317
Int. Filing Date: 28 January 2000
Priority Date: 29 January 1999
Attorney Docket No.: 018926-0003400US
For: SELF-GENERATION OF CERTIFICATES
USING A SECURE MICROPROCESSOR IN
A DEVICE FOR TRANSFERRING
DIGITAL INFORMATION

COMMUNICATION

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 28 January 2000, applicants filed international application PCT/US00/02317, which claimed priority of an earlier United States application filed 29 January 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 22 August 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 July 2001 (29 July 2001 was a Sunday).

On 26 July 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 06 September 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed along with a surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty (30) months from the priority date.

On 03 January 2002, applicants filed an executed declaration.


DISCUSSION

A review of the application file reveals that the given name of the first inventor is listed in the international application as "Sasha" while the given name is listed in the declaration as "Alexander". In that this is clearly more than a mere typographical error or a phonetic misspelling of the inventor's given name, a proper petition under 37 CFR 1.182 is required in order to resolve the matter. Such a petition must be accompanied by the requisite petition fee of \$130.00 as well as statements from the inventor and any other persons having firsthand knowledge of the error. These statements must set forth the specific circumstances as to how and when the error was made and discovered and must also set forth that the mistake was an inadvertent error without deceptive intent.¹

CONCLUSION

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. A proper response would be a petition under 37 CFR 1.182 along with the appropriate petition fee and the statement(s) described above. Extensions of time are available pursuant to 37 CFR 1.136.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

¹ In the event that the inventor's name has been legally changed after the application has been filed, an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order, must be submitted. See MPEP 605.05(c).